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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/165,315	10/02/1998	TOMOAKI TAMURA	02860.0599	7725
22852	7590	10/06/2003		EXAMINER
		FINNEMAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005		MAHONEY, CHRISTOPHER E
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/165,315	<b>Applicant(s)</b> TAMURA ET AL.
	<b>Examiner</b> Christopher E Mahoney	<b>Art Unit</b> 2851

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 June 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-12, 17-21 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 2-12, 17-21, 28 and 29 is/are allowed.
- 6) Claim(s) 30-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

Claims 6, 29, 32, and 34 objected to because of the following informalities: Claims 6 and 29 begin with “*The camera*” as opposed to *A* camera. Claims 32 and 34 refer back to the external *apparatus* of claim 30 as an external *device*. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (U.S. Patent No. 6,201,571) in view of Steinberg (U.S. Patent No. 5,862,218). Ota teaches a camera comprising an image-pickup device 2 for receiving light to form an image of a subject, for converting the light into electric signals representing the image, and for producing image information of the image by the electric signals, a display 50 to indicate the image on a screen on the basis of the electric signals, a print information producing device for producing print information 30, 32 for the image information for the image indicated on the screen. Ota also teaches transferring the image and print information to an external (computer) device via the

memory card. The applicant is directed to review figure 7, and col. 5, lines 4-8. Ota does not teach transmission of the information. Steinberg teaches in figures 1-2 and col. 3, lines 45-59 that transmission of data (either wired or wireless) were known alternatives to transferring data via memory cards. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the transmission features as taught by Steinberg for the purpose of eliminating the need to remove the memory from the camera.

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (U.S. Patent No. 6,201,571) in view of Steinberg (U.S. Patent No. 5,862,218) and further in view of Oikawa (U.S. Patent No. 5,666,578). Ota in view of Steinberg teaches the salient features of the claimed invention except for number of prints print designation information is part of the information being recorded. Oikawa teaches in figs. 19 and 27 as well as col. 22, lines 26-43 that it was known to record the number of prints for each frame as part of the photo/frame information in response to a selection input by an operator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features as taught by Oikawa for the purpose of eliminating the need for an index print.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (U.S. Patent No. 6,201,571) in view of Steinberg (U.S. Patent No. 5,862,218) and further in view of Friend et al (Understanding Data Communications). Ota in view of Steinberg teaches the salient features of the claimed invention except for explicitly stating that it acknowledges proper receipt of information. Friend teaches that it was known to receive receipt information especially when there is an error in communication. This is discussed on page 177 of Friend. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the

features taught by Friend for the purpose of error checking. The examiner notes that digital data communication, which has been in existence for decades, sends and receives receipt acknowledgments as well as notifying the user of such acknowledgments.

***Allowable Subject Matter***

Claims 2-12, 17-21, and 28-29 are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 30-34 have been considered but are moot in view of the new ground(s) of rejection. The applicant should note that arguments were presented stating that the Oikawa reference did not include an image pickup device for converting light to electric signals. Oikawa does indeed teach a CCD array 132 for converting the image into electric signals.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E Mahoney whose telephone number is (703) 305-3475. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Christopher E Mahoney  
Primary Examiner  
Art Unit 2851

CM